



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY
FOIA Service Center

July 23, 2019

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street
Suite B255
Washington, DC 20002

RE: FOIA Request No. 18-01725-F

Dear Austin R. Evers:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated April 27, 2018 and received in this office on April 30, 2018. Your request was forwarded to the appropriate offices to search for documents that may be responsive to your request: Office of the Secretary (OS), Office of Legislation & Congressional Affairs (OLCA), Office of Elementary & Secondary Education (OESE), Office of the Deputy Secretary (ODS) and Office of Communications & Outreach (OCO).

You requested the following:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar entries/invitations, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) regarding actual or potential teacher strike, work stoppage, walk out, large-scale absence, protest, or other activism between any Education official identified in Column A below and any individual or entity identified in Column B below.

2.

Column A: Education Officials	Column B: Outside Individuals or Groups
<ul style="list-style-type: none">• Secretary DeVos• Deputy Secretary• Assistant Secretary, Office of Elementary and Secondary Education• Assistant Secretary, Office of Communications and Outreach• Assistant Secretary, Office of Legislation and Congressional Affairs	<ul style="list-style-type: none">• Governor Jim Justice• Lieutenant Governor Mitch Carmichael• Senator Joe Manchin• Senator Shelley Moore Capito• Representative David McKinley• Representative Alex Mooney• Representative Evan Jenkins• Representative Tim Armstead• Senator Mitch Carmichael

Column A: Education Officials	Column B: Outside Individuals or Groups
<ul style="list-style-type: none"> Any political appointee within the office of the Secretary, the Deputy Secretary, the Office of Elementary and Secondary Education, the Office of Communications and Outreach, or the Office of Legislation and Congressional Affairs Anyone acting on behalf of any of the individuals listed above, such as administrative assistants or chiefs of staff 	<ul style="list-style-type: none"> Senator Ryan Ferns Thomas Campbell Steve Paine Darcel Vermillion Governor Mary Fallin Lieutenant Governor Todd Lamb Senator Jim Inhofe Senator James Lankford Representative Jim Bridenstine Representative Markwayne Mullin Representative Frank Lucas Representative Tom Cole Representative Steve Russell Senator Mike Schulz Senator Greg Treat Representative Charles McCall Joy Hofmeister Governor Matt Bevin Lieutenant Governor Jenean Hampton Senator Mitch McConnell Senator Rand Paul Representative James Comer Representative Brett Guthrie Representative John Yarmuth Representative Thomas Massie Representative Hal Rogers Representative Andy Barr Senator Robert Stivers Senator Damon Thayer Representative David Osborne Stephen Pruitt Wayne Lewis Milton Seymour Richard Gimmel Governor Doug Ducey Lieutenant Governor Michele Reagan Senator John McCain Senator Jeff Flake Representative Tom O'Halleran Representative Matha McSally Representative Raul Grijalva Representative Paul Gosar Representative Andy Biggs Representative David Schweikert Representative Ruben Gallego Representative Kyrsten Sinema Senator Kimberly Yee Senator Steve Yarbrough

Column A: Education Officials	Column B: Outside Individuals or Groups
	<ul style="list-style-type: none"> • Representative J.D. Mesnard • Lucas Narducci • Daniel Corr • Diane Douglas • Governor John Hickenlooper • Lieutenant Governor Donna Lynne • Senator Michael Bennet • Senator Cory Gardner • Representative Diana DeGette • Representative Jared Polis • Representative Scott Tipton • Representative Ken Buck • Representative Doug Lamborn • Representative Mike Coffman • Representative Ed Perlmutter • Senator Kevin Grantham • Senator Chris Holbert • Representative Crisanta Duran • Katy Anthes • Angelika Schroeder • Joyce Rankin

3. For both requests, the search should include all individuals who occupied the named offices, whether in an acting or permanent capacity during the period covered by the search. It should also include all individuals and entities in Category B both as keyword search terms and as entries in the to/from/cc/bcc fields of emails or calendar entries/invitations. For calendar entries created in Outlook or similar programs, the documents should be produced in “memo” form to include all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars—we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time on agency business.

The staff in OS, OLCA, OESE, ODS and OCO have informed the FOIA Services Center that, after a thorough search of their files, they were unable to locate any documents that were responsive to your request.

Also, you have the right to seek assistance and/or dispute resolution services from the Department’s FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	202-741-5770; toll free at 1-877-684-6448
Fax	202-401-0920	202-741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

Appeals can also be submitted by:

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536

If you have any questions, please contact the FOIA Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov.

Sincerely,

Arthur Caliguiran

Arthur Caliguiran
FOIA Analyst
FOIA Service Center